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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR        | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/533,939   | 07/01/2005  | Hendricus Antonius Hoogland | 294-217 PC'D/US     | 8051             |
| 23869 7590 05/27/2009<br>HOFFMANN & BARON, LLP<br>6900 JERICHO TURNPIKE<br>SYOSSET, NY 11791 |             |                             |                     |                  |
| EXAMINER   |             |                             |                     |                  |
| NGUYEN, THUKHANH T   |             |                             |                     |                  |
| ART UNIT   |             | PAPER NUMBER                |                     |                  |
| 1791   |             |                             |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/533,939

**Applicant(s)**HOOGLAND, HENDRICUS  
ANTONIUS**Examiner**

THU KHANH T. NGUYEN

**Art Unit**

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-13, 17-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7, 12, 18-19, and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Bergman (6,558,589).

Bergman teaches a device for injection molding article, comprising first and second mold halves (2, 3) movable relative to each other (col. 4, lines 37-41), a mold cavity (10) and an injection inlet (12) for injecting liquid material into the mold cavity (col. 3, lines 25-34), wherein the mold cavity is defined by a first mold part (8) and a second mold part (1 & 9) that are equivalent to the male and female mold parts, and a pressure chamber (4) located between the mold half (2) and the second mold part (9), wherein the pressure chamber containing a pressure medium (col. 3, lines 49-55).

In regard to claims 2, 18, 20, wherein the injection inlet opening is extended to a space near the bottom of the first mold part (8) and the forward end of the other mold part (9).

In regard to claim 3, wherein the injection inlet opening is provided in the first mold part (8), which is equivalent to the male part.

In regard to claims 7, 20, 23, wherein a pressure member (4, 15, 16) is provided for actively keeping the first mold part and/or the second mold part in position (Fig. 1).

In regard to claim 12, 19, wherein the mold parts are capable of moving to a product forming position after the mold has been closed by activating the piston (17).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5, 8-9, 20-21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman ('589) as applied to claims 1-3, 7, 12, 18-19, and 22-24 above, and further in view of Yamazaki et al (5,800,759).

In regard to claims 4-5, Bergman discloses a molding apparatus as described above, but fails to disclose that the male part is frustoconical and the female part has a corresponding shape. Yamazaki et al disclose a molding device comprising a frustoconical male part (5, 33, 10) and a corresponding female part (6, 12). It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Bergman by providing the male part having frustoconical shape and a female part having corresponding shape as taught by Yamazaki in order to form product having tapered tube shape.

In regard to claims 8-9, 20-21 and 25, Bergman fails to disclose a stripper ring. Yamazaki discloses a husk (170) and a clamping ring (13), that are equivalent to the pressure/stripper ring, surrounding the male and female mold parts in order to facilitate the

clamping/removal of the forming product. It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Bergman by providing a stripper ring as taught by Yamazaki in order to facilitate the clamping/removal of the forming product.

5. Claims 6, 10-11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman ('589) as applied to claims 1-3, 7, 12, 18-19, and 22-24 above, and further in view of Marshall (4,822,553).

Bergman discloses a molding apparatus with movable mold parts as described above, but fails to disclose gas-filled spring means for biasing the mold part.

Marshall discloses an apparatus for thermoforming a plastic article, comprising a plurality of air springs (70) for biasing the mold segments (64) downward and outwardly along the guide surface (col. 5, line 61 to col. 6, lines 28).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Bergman by providing a plurality of air springs, or gas-filled spring means as taught by Marshall in order to control the movement of the mold parts.

6. Claims 4-5, 8-9, 13, 20-21 and 25 are rejected under 35 U.S.C. 103(a) as obvious over Bergman ('589) as applied to claims 1-3, 7, 12, 18-19, and 22-24 above, and further in view of Vismara (5,304,050).

Bergman discloses an apparatus as described above, but fails to disclose that the mold is of multi-cavity design, having frustoconical shape and a stripper ring.

Vismara discloses an apparatus for forming articles by injection, comprises a pair of upper and lower mold plates (20, 22) each having a plurality of male and female molds (33, 36);

wherein the male mold (33) having a frustoconical shape and the female mold (36) having a corresponding shape (Fig. 5), a clamping ring (15) and a cutter holding ring for supporting and cutting the material after the product has been formed.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Bergman by provide a multi-cavity mold having corresponding frustoconical shape and a stripper ring as taught by Vismara in order to form a plurality of products at the same time. Further, the court held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

7. Applicant's arguments with respect to claims 1-13, 17-25 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THU KHANH T. NGUYEN whose telephone number is (571) 272-1136. The examiner can normally be reached on 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogendra N Gupta/  
Supervisory Patent Examiner, Art Unit 1791

TN